

Message Text

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ERDA-05 AID-05 CEA-01 CIEP-01 COME-00 EB-07 FPC-01

H-02 INT-05 OMB-01 USIA-06 SAM-01 SP-02 SS-15 TRSE-00

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FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW

INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 096682

E.O. 11652: GDS

TAGS: TSPA, UN, UR

SUBJECT: OUTER SPACE - REPLY TO SOVIET MOON TREATY
PROPOSALS ON NATURAL RESOURCES

1. DURING US-SOVIET BILATERALS ON OUTER SPACE ISSUES
(LONDON, FEB 19-20) WE PROMISED THE SOVIET DELEGATION THAT
WE WOULD SUGGEST SPECIFIC TEXTUAL CHANGES TO THEIR PRO-
POSALS FOR ARTICLES X AND X BIS OF THE MOON TREATY. THE
EMBASSY IS REQUESTED TO PASS TO BORIS MAJORSKY (MFA) THE
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FOLLOWING SUGGESTED TEXTS AND COMMENTS.

2. ARTICLE X PARA 3 - DELETE.

COMMENT: THE REASONS FOR DELETION OF THIS PARAGRAPH WERE DISCUSSED IN DETAIL DURING THE US-SOVIET BILATERALS.

3. ARTICLE X BIS PARA 2, SENTENCE TWO, SHOULD READ "STATES PARTIES TO SUCH AN INTERNATIONAL REGIME SHALL NOT UNDERTAKE EXPLOITATION OF THE NATURAL RESOURCES OF THE MOON EXCEPT IN ACCORDANCE WITH ITS TERMS."

COMMENT: IN OUR VIEW THE PRESENT SOVIET TEXT WOULD REASONABLY BE READ AS ACCEPTANCE OF A MORATORIUM ON EXPLOITATION OF LUNAR RESOURCES UNTIL THE ESTABLISHMENT OF AN

INTERNATIONAL REGIME. AS WE DO NOT ACCEPT THAT POSITION, WE SUGGEST THE ABOVE MODIFICATIONS TO THE SECOND SENTENCE IN ARTICLE X BIS(2). IN ADDITION IT IS IMPORTANT TO AVOID AN INFERENCE THAT BY BECOMING A PARTY TO THE MOON TREATY STATES WOULD BE OR APPEAR TO BE COMMITTING THEMSELVES TO COMPLY WITH THE TERMS OF A FUTURE INTERNATIONAL REGIME REGARDLESS OF WHETHER THEY LATER APPROVED OF THOSE TERMS. WE BELIEVE SUCH A COMMITMENT IS ALSO UNACCEPTABLE.

4. ARTICLE X BIS PARA 5 MIGHT READ:

"IF THE CONFERENCE OF STATES PARTIES PROVIDED FOR IN PARAGRAPH 4 OF THIS ARTICLE CONCLUDES THAT THE EXPLOITATION OF THE NATURAL RESOURCES OF THE MOON HAS BECOME FEASIBLE, THE SYG SHALL REQUEST THE INCLUSION IN THE PROVISIONAL AGENDA OF THE GENERAL ASSEMBLY OF THE QUESTION OF THE ESTABLISHMENT OF AN INTERNATIONAL REGIME GOVERNING THE EXPLOITATION OF THE NATURAL RESOURCES OF THE MOON IN ACCORDANCE WITH THE UNDERTAKING OF THE STATES PARTIES IN PARAGRAPH 2 OF THIS ARTICLE."

COMMENT: WE STRONGLY PREFER THAT A FUTURE INTERNATIONAL REGIME BE NEGOTIATED AND DRAFTED WITHIN THE FORUM AND PROCEDURES OF THE OUTER SPACE COMMITTEE RATHER THAN BY AN OPEN CONFERENCE. WE BELIEVE THAT THE CHANGES PROPOSED
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ABOVE MAKE THIS MORE FEASIBLE, ALTHOUGH WE RECOGNIZE THAT THE FINAL DECISION WILL BE MADE BY THE GENERAL ASSEMBLY. KISSINGER

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